
UTAH LABOR COMMISSION

CHARLENE HECKERT,

Petitioner,

vs.

**CHROMOLOX and OLD REPUBLIC
INSURANCE CO.,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 05-0886

Charlene Heckert asks the Utah Labor Commission to review Administrative Law Judge Lima's denial of Ms. Heckert's claims for benefits under the Utah Occupational Disease Act (Title 34A, Chapter 3, Utah Code Annotated.)

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12, §34A-2-801(3) and §34A-3-102.

BACKGROUND AND ISSUE PRESENTED

Ms. Heckert seeks disability and medical benefits for respiratory problems she attributes to her work at Chromolox during 1994 and 1995. Judge Lima held an evidentiary hearing on Ms. Heckert's claim, and then denied the claim on the grounds Ms. Heckert had not established a medical causal connection between her work at Chromolox and her alleged respiratory problems.

In requesting Commission review of Judge Lima's decision, Ms. Heckert expresses her lack of faith in medical providers and insurance companies.

DISCUSSION

Section 34A-3-104 of the Utah Occupational Disease Act provides medical and disability benefits to employees who become disabled from occupational diseases. To qualify for benefits, it is the employee's burden to prove that his or her disease was "medically caused or aggravated" by the employment. See §34A-3-103 of the Act.

In this case, Ms. Heckert seeks occupational disease benefits for respiratory problems she claims were caused or aggravated by her work at Chromolox, but she has submitted no medical evidence to substantiate her claim. It appears Ms. Heckert has not obtained medical treatment or diagnosis of her respiratory condition because she lacks faith in the medical profession. While Ms. Heckert is entitled to make such a decision for herself, her right to occupational disease benefits remains contingent on proof of medical causation. In the absence of such proof, the Commission concurs with Judge Lima's denial of Ms. Heckert's claim.

ORDER

The Commission affirms Judge Lima's order denying Ms. Heckert's claim. It is so ordered.

Dated this 8th day of February, 2007.

Sherrie Hayashi
Utah Labor Commissioner